IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3669 OF 2006

Prabhakar Sukhdev Tamsare ...Applicant

Versus

State of Maharashtra ...Respondent

Mr. V.V. Gardunge , instructed by Mr. W.I.Shaikh, for the Applicant.
Mr. D.S. Mhaispurkar, Additional Public Prosecutor, for the State.

CORAM: **H.S. BEDI, C.J.**

DATE: **OCTOBER 20, 2006**.

P.C.

Heard the learned counsel for the parties.

2. It has been stated by the learned counsel that the only evidence against the applicant is the extra judicial confession made by a co-accused implicating him in the case. The eye witness account does not relate to the applicant as being present at the scene of offence. An extra judicial confession cannot be used against a co-accused. In the circumstances, the applicant is enlarged on bail on conditions to be imposed by the Judicial Magistrate, First Class, Ulhasnagar, Dist. Thane. Application is accordingly allowed.

CHIEF JUSTICE